

ORIGINAL

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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September 25, 1996

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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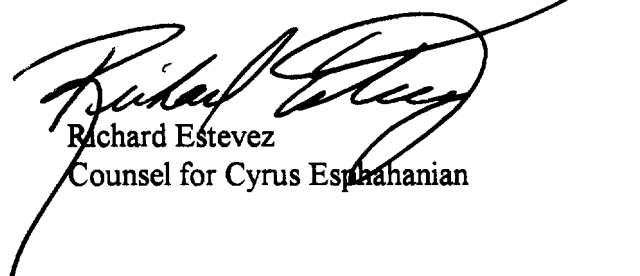
Re: Petition for Rulemaking, Salida, Colorado

Dear Mr. Caton:

Transmitted herewith on behalf of Cyrus Esphahanian are an original and four copies of a *Petition for Rulemaking* to amend the FM Table of Allotments to allot 229C3 to Salida, Colorado, as that community's first competitive FM service.

Should any questions arise concerning this matter, please communicate directly with this office.

Sincerely,
FLETCHER, HEALD, & HILDRETH, PLC


Richard Estevez
Counsel for Cyrus Esphahanian

Enclosures

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24
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ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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SEP 25 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Salida, Colorado)

MM Docket No. _____
RM No. _____

To: Chief, Allocations Branch, Policy and Rules Division
Mass Media Bureau

PETITION FOR RULEMAKING

Mr. Cyrus Esphahanian ("Esphahanian"), by counsel and pursuant to Section 1.401 of the Commission's rules, hereby requests the Commission to amend the FM Table of Allotments (Section 73.202(b) of the rules) as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Salida, Colorado	222C3	222C3
	---	229C3

In support of this request the following is stated:

Esphahanian proposes the allotment of Channel 229C3 to Salida, Colorado. Salida is an incorporated community with a 1990 U.S. Census population of 4,737 and an estimated 1995 population of 5,298. The city is governed by a mayor and six city council members. Salida is the county seat of Chaffee County. It has its own police department, fire department and school district. With reference to medical facilities, Salida is served by the Heart of Rockies Regional Medical Center, a 40 bed, 6 bassinets, 2 private room hospital.

Because the proposed allotment of Channel 229C3 at Salida will provide the community with its first competitive FM service, Esphahanian's proposal presents a preferential reallocation plan under the fourth priority set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1982).

As demonstrated in the attached engineering statement, the proposed site meets the minimum spacing requirements with respect to all known licenses, construction permits, open allotments, pending applications, and pending rulemakings. Esphahanian commits to file for the new facility upon grant of the allotment, and to construct the new facility upon the grant of his application for a construction permit.

WHEREFORE, in light of the foregoing, Mr. Cyrus Esphahanian requests that the Commission GRANT this petition for rulemaking, AMEND the FM Table of Allotments, and ALLOT Channel 229C3 to Salida, Colorado.

Respectfully submitted,

CYRUS ESPHAHANIAN

By:


Harry C. Martin


Richard J. Estevez

Its Counsel

Fletcher, Heald & Hildreth, PLC
1300 N. 17th Street,
11th Floor
Rosslyn, Virginia 22209

September 25, 1996

AUGUST 1996

Page 1 of 2

PROPOSED RULEMAKING
CY ESPHAHANIAN
93.7 MHz CH.229C3
SALIDA, COLORADO

ENGINEERING STATEMENT

Concerning a Petition for Rulemaking to allocate FM Channel 229C3 to Salida, Colorado.

Mr. Cy Esphahanian herein requests that the FCC allocate Channel 229C3 to Salida in order to provide a second local FM service to Salida.

Vir James Engineers, Broadcast Engineering Consultants, has been retained by the petitioner to determine and show that the above described allocation may be made within the requirements of the FCC Rules and Regulations. There are no existing unused allocations or pending rulemakings for a similar Class C3 assignment to Salida as of the date of this statement.

This would be the second local commercial FM service to Salida, a city of 4737 population according to the 1990 census and estimated as 5298 in July 1995 by the Chamber of Commerce. Salida is the county seat of Chaffee County which has a large rural population of 5951 persons (by the 1990 census) not living within the listed communities. This rural population accounts for about half of the 12,684 residents listed by the 1990 census as residing in Chaffee county.

ALLOCATION STUDY

Availability of Channel 229C3 to Salida was determined by computer aided study of all existing stations, pending applications, and pending rulemakings within 330 km of the reference site (about 11 km southwest of Salida).

Reference Site

NL: 38 deg 27 min 30 sec

WL: 106 deg 05 min 30 sec

All distances from this site to stations were computed using the tables of FCC rules Section 73.698. All distances are in the metric system.

PROPOSED RULEMAKING
CY ESPAHANIAN
93.7 MHz CH.229C3
SALIDA, COLORADO

The separations for the proposed channel assignment are as follows:

Salida, CO Channel 229C3
Table of Nearest Facilities

CH.	FREQ	COMMUNITY	CALL	SEPARATION	
				ACTUAL	MINIMUM
226C1	93.1	Grand Junction CO	KQIX	228 km	76 km
227C	93.3	Fort Collins CO	KTCL	209	96
228A	93.5	Leadville CO	ALOC	90	89
229C2	93.7	Raton NM	KRTN	246	177
230A	93.9	Frisco CO	KYSL	122	106
231C	94.1	Montrose CO	KKXK	136	96
232C	94.3	Colorado Springs CO	KILO	112	96

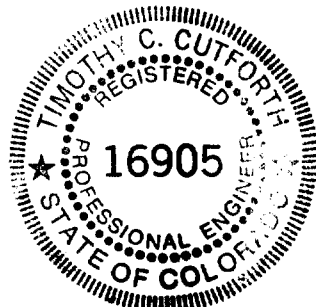
There are no stations operating 10.6 or 10.8 MHz removed from 93.7 MHz within 50 km of the proposed so no Intermediate Frequency interference can result from the assignment.

The proposed Channel 229C3 assignment to Salida meets the separation criteria for assignment as set forth in section 73.207 as amended to date.

From this study it has been determined that the Table of FM Allotments, Section 73.202 of the FCC Rules may be amended as follows:

Community	Present	Proposed
Salida, CO	221A	221A, 229C3

Such an amendment of the Table of Allotments would be in full compliance with the FCC Rules and Regulations as amended to date.



Respectfully submitted

Timothy C. Cutforth
Timothy C. Cutforth P.E.
15 August 1996

CITY AND COUNTY OF DENVER

TIMOTHY C. CUTFORTH, BEING DULY SWORN, STATES

That he is a Consulting Radio Engineer with offices located at 965 South Irving Street, Denver, Colorado 80219.

That he is President and Director of Engineering with Vir James, P.C. Consulting Radio Engineers, Denver, Colorado.

That he received a degree of Bachelor of Science, with major in Electrical Engineering from Colorado State University at Fort Collins, Colorado in 1972.

That he is a Registered Professional Engineer (No. 16905) in the State of Colorado.

That he is a certified Professional Broadcast Engineer (50046) by the Society of Broadcast Engineers, Inc.

That he is a member of the Society of Broadcast Engineers, Inc. (No. 3813).

That he is a full member of the Association of Federal Communications Consulting Engineers.

That he is a member of the IEEE.

That he is a qualified and experienced Radio and Television Engineer whose qualifications are a matter of record with the Federal Communications Commissions.

That he is a life member of the Broadcast Pioneers.

That the calculations and/or measurements and exhibits in the accompanying report were made by him personally or under his direction, and that all facts contained herein are true of his own personal knowledge or belief: and on such statements made on belief, they are believed to be true.

Timothy C. Cutforth
Affiant

Subscribed and sworn to before me

This 15th day of August 1996

Notary Public Virginia K. Cutforth

Date of Commission Expiration December 21, 1996



4781 H SW
(MAYSVILLE)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

106°07'30"
38°30'

403000mE

1 830 000 FEET (CENTRAL)

405

5'

PONCH

REFERENCE SITE

PROPOSED RULEMAKING
CY ESPAHANIAN
93.7 MHz CH.229C3
SALIDA, COLORADO
AUGUST 1996

240 000 FEET
(CENTRAL)

4261000mN

4260

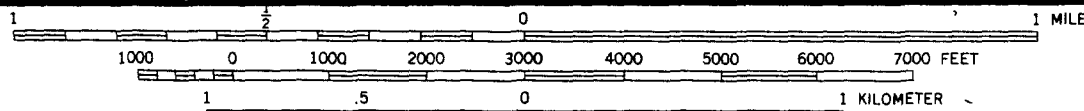
T 49 N

4259

4258

27'30"

NL: 38° 27' 30"
WL: 106° 05' 30"



PONCHA PASS, COLO.

NE/4 BONANZA 15' QUADRANGLE

38106-D1-TF-024

1980

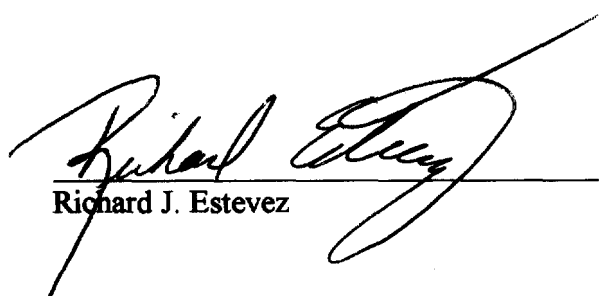
VIR JAMES P. C.

TIMOTHY C. CUTPORTH P.E., DIRECTOR OF ENGINEERING
BROADCAST ENGINEERING CONSULTANTS
965 S. IRVING ST. • DENVER, CO 80219
(303) 937-1900 • (800) 779-0196

CERTIFICATE OF SERVICE

I, Richard J. Estevez, hereby certify that on this 25th day of September, 1996, a copy of the foregoing PETITION FOR RULEMAKING was hand delivered to the following:

Mr. John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554



Richard J. Estevez